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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRISTOPHER BARULICH,
individually and on behalf of others
similarly situated,

Plaintiff,

vs.

THE HOME DEPOT, INC.,
a Delaware corporation, and
GOOGLE LLC,
a Delaware limited liability company,

Defendants.

Case No. 2:24-cv-01253-FLA-JC

**STATEMENT OF CONDITIONAL
NON-OPPOSITION**

Hearing Date: June 7, 2024
Hearing Time: 1:30 p.m.
Judge: Hon. Fernando L.
Aenlle-Rocha
Courtroom: 6B

1 Home Depot, Inc. (“Home Depot”) files this Statement of Conditional Non-
2 Opposition in response to Google LLC’s Motion to Transfer, Dkt. 29.

3 In that motion, Google LLC requests that the Court transfer this matter to the
4 Northern District of California under the first-to-file doctrine and 28 U.S.C. § 1404(a).
5 To effect a transfer under Section 1404(a), the transferor court must conclude that both
6 it and the transferee court have personal jurisdiction over the parties to the action. *See*
7 *Villano v. Shashamane Grp., LLC*, No. 2:23-cv-04320-ODW (AFMx), 2024 WL 40181,
8 at *7 (C.D. Cal. Jan. 3, 2024) (explaining that a party moving under § 1404(a) “must first
9 show that the action ‘might have been brought’ in the proposed the transferee district
10 based on subject matter jurisdiction, personal jurisdiction, and venue rules”); *Jarrett v.*
11 *Terrell*, No. 21-55263, 2022 WL 1056645, at *1 (9th Cir. Apr. 8, 2022) (“If the transferor
12 court had personal jurisdiction over Defendants, the case was properly transferred
13 pursuant to 28 U.S.C. § 1404(a) . . .”).

14 As explained in Home Depot’s Motion to Dismiss, Dkt. 27, this Court lacks
15 general or specific personal jurisdiction over Home Depot. The Northern District also
16 lacks jurisdiction over Home Depot for the same reasons. To elaborate, the Northern
17 District lacks general personal jurisdiction over Home Depot because Home Depot “is a
18 Delaware corporation with its headquarters located in Atlanta, Georgia.” Complaint, Dkt.
19 1, ¶ 8. In addition, the Northern District lacks specific personal jurisdiction over Home
20 Depot because Home Depot did not purposefully direct any relevant conduct at
21 California, and the claim in question does not arise out of or relate to Home Depot’s
22 forum-related activities. Accordingly, Home Depot should be dismissed from this action.
23 If, however, the Court concludes that it and the Northern District may exercise personal
24 jurisdiction over Home Depot (and it should not), then Home Depot does not oppose
25 transfer to the Northern District.

1 Dated: April 19, 2024

KING & SPALDING LLP

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3 /s/ Julia E. Romano

4 Julia E. Romano

5 S. Stewart Haskins (*pro hac vice* forthcoming)

6 Billie B. Pritchard (*pro hac vice* forthcoming)

7 *Attorneys for Defendant*

8 *The Home Depot, Inc.*

LOCAL RULE 11-6.2 CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for The Home Depot, Inc., certifies that this brief contains 316 words, which complies with the word limit of L.R. 11-6.1.

Dated: April 19, 2024

KING & SPALDING LLP

/s/ Julia E. Romano

Julia E. Romano

*Attorney for Defendant
The Home Depot, Inc.*